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December 20, 2018

**BY ECF**

Adam S. Fels, Esq.  
Assistant United States Attorney  
Southern District of Florida  
99 NE 4th Street  
Miami, FL 33132

**Re: United States v. Guzman Loera,  
Criminal Docket No. 09-466 (S-4) (BMC)**

Dear Mr. Fels:

I am writing to request the production of some additional material which appears to be either § 3500 or Giglio material pertaining to government witness Jorge Cifuentes.

During Mr. Cifuentes' testimony on December 18, 2018 he indicated that his Colombian attorney, Luisa Fernanda, visited him at the MDC in 2014 and provided him the telephone number for a phone which was smuggled into a Colombian prison to his brother Alex Cifuentes. T 3379-81. Cifuentes called his brother on that number on January 18, 2015, after replacing the telephone number for attorney Carlos Real on his approved call list with the number for the smuggled-in phone. T 3378-79. In addition, according to Mr. Cifuentes' testimony, Luisa Fernanda was permitted to visit him in prison until the end of 2016, nearly two years after he made this illegal phone call. T 3381.

Mr. Cifuentes testified on December 18 that he told his attorney and the government about this illegal phone call in a proffer session "immediately" after making such call, sometime in January of 2015. T 3385 (emphasis added). You informed the Court on Tuesday that "the call doesn't exist, the recording doesn't exist." T3391. In addition, in your October 5, 2018 Giglio letter ("Giglio letter"), the government wrote that Mr. Cifuentes' "prosecutor at the time ... did not learn of the existence of these calls until it was too late to retrieve them from MDC's recording banks." Giglio letter at p. 8. As we have confirmed with the MDC legal department, such inmate calls are maintained for a period of six months. This would make clear that a tape of the January 18, 2015 phone call made by Jorge Cifuentes to his brother in a Colombian prison cell would have been available to the government until July 18, 2015, giving the government

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ample time to retrieve the call, considering Mr. Cifuentes' testimony on Tuesday that he "immediately" informed his attorney and prosecutor of this call in January of 2015. T 3385. Obviously, Mr. Cifuentes' testimony from Tuesday contradicts your assertion in your Giglio letter concerning the timing of when Mr. Cifuentes revealed the existence of this phone call to the government.

Finally, despite Mr. Cifuentes' testimony on Tuesday that he informed the government of this illegal call in a January 2015 proffer session, we can find no such piece of § 3500 material which reflects this interview. The only government production which we believe contains any mention of Mr. Cifuentes informing the government about this illegal phone call is contained in: a) the October 5, 2018 Giglio letter and b) a December 11, 2018 handwritten note of an interview of Mr. Cifuentes (3500-JMCV-107) which was provided to the defense just before Mr. Cifuentes began his testimony last week. Please provide any memorialization of this January 2015 proffer session whether it be in the form of rough notes or an official report.

In addition, we are requesting the Federal Bureau of Prisons Trufone telephone and Truview visiting records for Jorge Cifuentes in connection with his purported visitor Luisa Fernanda. You have previously provided such records for Carlos Real and Mr. Cifuentes' sister, Dolly. 3500-JMCV-103, 104. Presumably these records will also reflect when Luisa Fernanda was removed from Mr. Cifuentes' visiting list at the end of 2016 as per Mr. Cifuentes' testimony. T 3381.

Thank you for your assistance on this request.

Very truly yours,



Jeffrey Lichtman

cc: Clerk of the Court (BMC) (by ECF)

All parties (by ECF)